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COMMERCE CABINET  
KENTUCKY HERITAGE COUNCIL

**Ernie Fletcher**  
Governor

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**George Ward**  
~~XXXXXX~~  
Secretary

**David L. Morgan**  
Executive Director and  
State Historic Preservation Officer

March 27, 2006

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Room 700  
Washington, D. C. 20423



RE: Docket No. AB-55 (Sub-No. 627X), *CSX Transportation, Inc.—Abandonment Exemption—in Floyd County, KY*

Dear Secretary Williams:

The Kentucky Heritage Council and State Historic Preservation Office ("KYSHPO") requests the Surface Transportation Board (the "Board") to modify the Historic Condition imposed in this proceeding.

CSX Transportation, Inc. ("CSXT") filed a notice of exemption with the Board on January 22, 2003 to abandon a 13.4-mile line of railroad between milepost CON 3.1 at Salisbury and milepost CON 16.5 near Clear Creek Junction, in Floyd County, KY (the "Line"). The Board served a notice that the abandonment would become effective on March 13, 2003. *CSX Transportation, Inc.—Abandonment Exemption—in Floyd County, KY*, STB Docket No. 55 (Sub-No. 627X) (STB served February 11, 2003).

The Board conditioned CSXT's abandonment of the Line on CSXT retaining its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA) (the "Historic Condition"). *CSX Transportation, Inc.—Abandonment Exemption—in Floyd County, KY*, STB Docket No. 55 (Sub-No. 627X) (STB served March 12, 2003), at 2.

CSXT has engaged in negotiations to lease the Line to a coal company that is exploring mining operations that would require use of the Line to move the coal out of Floyd County to its customers. CSXT and the coal company have agreed that once they enter a lease, CSXT will terminate trail negotiations, notify the Board that the abandonment has been consummated, and reclassify the track to spur track so that the coal company, as lessee, will be the only party able to use the track. Since CSXT will leave the track, bridges and tunnel in place for the coal company



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to use them, the historic integrity of all sites and structures on the right-of-way would be preserved and would not be altered.

In order to assist in the conversion of the Line to a leased spur track, KYSHPO requests the Board to modify the Historic Condition to read as follows: "CSXT shall have complied with the historic condition imposed in the Board's March 12, 2003 decision if prior to consummation of the abandonment CSXT certifies to the Board that upon consummation of the abandonment of the Line, CSXT will (1) reclassify the Line to spur track, (2) enter a lease of the Line as spur track, and (3) pursuant to the terms of the lease, leave the bridges and tunnel in place."

Thank you for your assistance. If you have any questions, please contact Janie-Rice Brother of my staff at (502) 564-7005, extension 121.

Sincerely,

A handwritten signature in black ink, appearing to read "D. L. Morgan", is written over the typed name.

David L. Morgan, Executive Director  
Kentucky Heritage Council and  
State Historic Preservation Officer

cc: Parties of Record  
CSX Transportation, Dave Geraci